

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bryan K. Wheelock (Reg. No. 31,441) on 04/22/2010.

The application has been amended as follows:

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 31, 32 have been renumbered 30, 31, respectively.

Claim 11, Line 2, "claim 31" has been changed to --claim 9--.

Claim 13, Line 1, "claim 19" has been changed to --claim 1--.

Lines 3-4, "subject support" has been changed to --subject--.

Claim 14, Line 1, "claim 19" has been changed to --claim 1--.

Line 3, "patient support" has been changed to --subject--.

Line 4, "the units" has been changed to --the magnet units--.

Claim 15, Line 1, "claim 19" has been changed to --claim 1--.

Claim 16, Line 1, "claim 19" has been changed to --claim 1--.

Claim 19 has been replaced as follows:

A method comprising: controlling magnets in two magnet units disposed on opposite sides of a subject, the magnet units including a magnet and a positioner for rotating the magnet about a first axis and pivoting the magnet about a second axis, the magnet units being movably mounted on a support for movement about the subject, and the magnets being positioned to project a magnetic field in a direction to orient a magnetically responsive medical device in a selected direction, the method further comprising selectively rotating and pivoting each magnet to maintain the magnetic field direction projected by the moving magnets in relation to the magnetically responsive medical device as the magnet units move on the support about an operating region of the subject to maintain the magnetically responsive medical device in a selected orientation as the units move on the support.

Claim 20, Line 1, "claim 19" has been changed to --claim 1--.

Claim 21, Line 1, "claim 19" has been changed to --claim 1--.

Claim 22, Line 1, "claim 19" has been changed to --claim 1--.

Claim 23, Line 1, "claim 19" has been changed to --claim 4--.

Claim 24, Line 1, "claim 19" has been changed to --claim 4--.

Claim 28, Line 1, "claim 19" has been changed to --claim 1--.

Line 1, "further comprising mounting" has been changed to --wherein--.

Line 2, "support on" has been changed to --support are disposed on--.

Line 2, "subject support" has been changed to --subject--.

Lines 3-4, "on the subject support" has been removed.

Line 4, "the support permitting" has been changed to --the method further comprising--.

Line 4, "the units" has been changed to --the magnet units--.

Line 5, "support, while retaining" has been changed to --to maintain--.

Line 5, "the units" has been changed to --the magnet units--.

Claim 29, Line 1, "claim 19" has been changed to --claim 1--.

Line 2, "positioners in response to" has been changed to --positioners of each of the magnet units to change the positions of the magnets--.

Claim 31, Line 1, "claim 19" has been changed to --claim 1--.

Line 2, "units in response" has been changed to --units to change the positions of the magnets in response--.

Claim 32, Line 1, "claim 19" has been changed to --claim 1--.

The following is an examiner's statement of reasons for allowance: The prior art does not teach maintaining a medical device orientation by selectively positioning magnet units as the magnet units move on a support.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELLSWORTH WEATHERBY whose telephone number is (571) 272-2248. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EW/

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768